

37255

NOV 1987

CERTIFIED MAIL:  
RETURN RECEIPT REQUESTED

Mr. A. M. Livingston  
Tifa, Limited  
Tifa Square  
Millington, New Jersey 07946

Re: Request for Information Under 42 U.S.C. §9604(e)(1)  
and 42 U.S.C. §6927

Dear Mr. Livingston:

The United States Environmental Protection Agency ("EPA") is charged with responding to the release or threatened release of hazardous substances and with enforcement responsibilities under the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. §9601 et seq. EPA also regulates the handling of hazardous waste under the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. §6901 et seq.

Section 104(e)(1) of CERCLA, 42 U.S.C. §9604(e)(1), authorizes EPA to require the submittal of certain information from parties who handle hazardous substances as that term is defined at Section 101(14) of CERCLA, 42 U.S.C. §9601(14). Section 3007 of RCRA, 42 U.S.C. §6927, authorizes EPA to request certain information from parties who handle hazardous waste as that term is defined at Section 1004 of RCRA, 42 U.S.C. §6904. Pursuant to the provisions of those Sections, we hereby require that Tifa, Ltd. ("the company") answer the questions posed in the Attachment to this letter. Please include the company's EPA Identification Number, if it has one, in the response.

The company's response to this Request for Information should be postmarked or received at EPA within 21 calendar days of your receipt of this letter, and should be mailed to Mr. Robert McKnight, Hazardous Waste Site Branch, U.S. Environmental Protection Agency, Region II, Room 402, 26 Federal Plaza, New York, New York 10278.

- TIFA REQUEST TO TIFA DIRECTLY -

ASB 002 0364

The company's failure to respond to this Request for Information within the time specified above may subject it to an enforcement action under Section 3008 of RCRA, 42 U.S.C. §6928. Such enforcement action may include the assessment of substantial penalties of up to \$25,000.00 for continued non-compliance.

He advised that the company is under a continuing obligation to supplement its response if information not known or not available to the company as of the date of submission of its response should later become known or available to the company. Moreover, should the company find, at any time after the submission of its response, that any portion of the submitted information is false or misrepresents the truth, the company is under an obligation to notify EPA thereof as soon as possible. If any part of the company's response is found to be untrue, the signatory and company may be subject to criminal prosecution.

This Request for Information is not subject to the approval requirements of the Paperwork Reduction Act of 1980, Title 44 of the United States Code. The company may, if it so desires, assert a business confidentiality claim covering all or part of the information herein requested. The claim may be asserted by placing on (or attaching to) the information, at the time it is submitted, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret," or "proprietary," or "company confidential." Information covered by such claim will be disclosed by EPA only to the extent and by means of procedures set forth in Subpart B, Part 2, Code of Federal Regulations (41 FR 36906, September 1, 1976, as modified at 43 FR 39997, September 8, 1978). If no such claim accompanies the information when it is received by EPA, it may be made available to the public by EPA without any further notice to the company.

If you have any questions about this letter, you may call Mr. Robert McKnight at (212) 264-1573 or Mr. William Sawyer at (212) 264-4472. Your cooperation is appreciated.

Sincerely yours,

William J. Librizzi, Director  
Office of Emergency and Remedial Response

Attachment

Attachment  
Instructions

In responding to this Request for Information, the following instructions shall apply:

1. In answering each question identify all contributing sources of information.
2. If you are unable to answer a question in a detailed and complete manner or if you are unable to provide any of the information or documents requested, indicate the reason for your inability to do so. If you have reason to believe there may be an individual who may be able to provide a more detailed or complete response to any question or who may be able to provide documents requested, state that person's name, address and phone number.
3. Where documents are requested but are not available, state the reason for their unavailability. However, to the best of your ability identify any such documents by stating its author, date, subject matter, number of pages, and any recipients.
4. If you cannot provide a precise answer to a question, you may approximate, but in any such instance state the reason why you cannot be more specific.
5. For each document produced in response to this request for information, indicate on the document, or in some other reasonable matter, the number of the question to which it responds.
6. As used herein, the term "hazardous substance" shall have the meaning set forth in Section 101 (14) of CERCLA, 42 U.S.C. §9601(14).

Information Requested

1. If Tifa, Ltd. is a division or subsidiary of another corporation, identify such other corporation and state the name and office address of that corporation's president. Identify the state of incorporation and agent for service of process for each related company.
2. Please describe the manufacturing processes used by Tifa, Ltd. at the Millington Asbestos Dump Site property ("the site") which is located along Division Avenue in Millington, New Jersey, the finished product(s), and all waste streams.
3. Please identify all hazardous substances generated by Tifa, Ltd. that were transported to and/or disposed of at the site. Provide the name, composition, and source or origin for each hazardous substance as well as the time period during which such disposal or transportation activities took place.
4. Please indicate the amount of each hazardous substance identified in your response to Question 3 above. For solid material, your response should be in terms of weight, for liquids, in terms of volume.
5. For each hazardous substance identified in response to Question 3 above, please indicate the method and specific locations of disposal at the site and identify how these materials were containerized (e.g. drums, bulk solids, tanks, etc.). Please specify the locations on a tax map.
6. Please identify all transporters used by Tifa, Ltd. to transport any hazardous substance to the site. Provide the current name, address, and telephone number for each, together with an identification of which deliveries were made by each.
7. Please submit copies of or identify all documents which relate to the disposal of hazardous substances at the site. To identify a document, describe the nature of the document (e.g. correspondence, file memo, invoice, inventory form, etc.) briefly describe the relevant information contained therein, identify by name and job title the person who prepared the document, and, if the document is not readily available, identify where it is stored, maintained, or why it is no longer available.

8. State whether Tifa, Ltd. has reason to believe that any other individual, company, or corporate entity used the site for the disposal of hazardous substances. Please include both generators and transporters of the hazardous substances in your response. Note the location, if known, of the disposal. Include names, addresses, and any other available records to document the above.
9. Please state whether Tifa, Ltd. has conducted any studies or investigations into the hydrology and/or geology of the site. Copies of such reports, analyses, test results, etc. should accompany your response.
10. If Tifa, Ltd. has disposed of hazardous materials, that were generated at the site, at locations other than at the site, please identify the substances, quantities, disposal locations, time periods, and transporters used for such disposal activities. Please specify the locations on a tax map.
11. Describe any litigation that is ongoing or has taken place with the National Gypsum Co. regarding the site.
12. Please submit copies of current environmental permits that have been issued to Tifa, Ltd. by either the NJDEP or USEPA.
13. Please describe any pollution liability insurance that Tifa, Ltd. may have that provides coverage for the site. A copy of any such policy may be submitted in lieu of a description.

CERTIFICATION OF ANSWERS TO REQUEST FOR INFORMATION

I certify that the foregoing answers and supporting documentation to the EPA Request for Information are true, complete and accurate to the best of my knowledge and belief.

\_\_\_\_\_  
Printed Name of Person Signing

\_\_\_\_\_  
Title

\_\_\_\_\_  
Signature